

1 MAUREEN E. MCCLAIN (State Bar No. 062050)  
Email: mcclain@kmm.com  
2 ALEX HERNAEZ (State Bar No. 201441)  
Email: hernaez@kmm.com  
3 KAUFF MCCLAIN & MCGUIRE LLP  
One Post Street, Suite 2600  
4 San Francisco, California 94104  
Telephone: (415) 421-3111  
5 Facsimile: (415) 421-0938

6 Attorneys for Defendant  
DOLLAR TREE STORES, INC.

7  
8 BETH HIRSCH BERMAN (VA Bar No. 28091)  
Email: bberman@williamsmullen.com  
WILLIAMS MULLEN  
9 Dominion Tower, Suite 1700  
999 Waterside Drive  
10 Norfolk, Virginia 23510  
Telephone: (757) 629-0604  
11 Facsimile: (757) 629-0660

12 Attorneys for Defendant  
DOLLAR TREE STORES, INC.

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 MIGUEL E. CRUZ, and JOHN D. HANSEN,  
17 individually and on behalf of all others  
similarly situated,

18 Plaintiffs,

19 v.

20 DOLLAR TREE STORES, INC.,

21 Defendant.

22 ROBERT RUNNINGS individually, and on  
23 behalf of all others similarly situated,

24 Plaintiff,

25 v.

26 DOLLAR TREE STORES, INC., and DOES 1  
27 through 25, inclusive,

28 Defendants.

CASE NO. C 07 2050 SC

CASE NO. C 07 04012 SC

**DECLARATION OF PAULA  
BRADY**

**DATE:**

**TIME:**

**DEPT:**

**JUDGE:** Hon. Samuel Conti

**COMPLAINT FILED:** April 11, 2007;  
July 6, 2007

**TRIAL DATE:** No date set.

1 I, Paula Brady, declare as follows:

2 1. I am over the age of eighteen and have personal knowledge of the facts  
3 set forth below. If called upon as a witness, I could testify competently thereto.

4 2. I am employed by Dollar Tree Management, Inc. ("DTM"), a wholly owned  
5 subsidiary of Dollar Tree Stores, Inc. ("DTS") (DTM and DTS shall be referred to  
6 collectively as "Dollar Tree"), as a Human Resources Paralegal. DTS has several wholly  
7 owned subsidiaries, including DTM, which operate from the same location as DTS'  
8 corporate office and exist for the sole purpose of providing support for the operations of  
9 DTS and its other wholly owned subsidiaries. For example, DTS does not have its own  
10 Human Resources Department. In my capacity as a Human Resources Paralegal for  
11 Dollar Tree, I am familiar with Dollar Tree's human resources records and have access  
12 to DTS' operations records.  
13

14 3. Dollar Tree owns and operates over 3,000 retail stores throughout the  
15 United States. Approximately 220 of those stores are located in California.  
16

17 4. I have reviewed Dollar Tree's personnel records pertaining to John  
18 Hansen. Mr. Hansen was hired by Dollar Tree as an Assistant Manager in January of  
19 2006. In July of 2006 he was promoted to the Store Manager position at store no. 1868  
20 in Rohnert Park, California. In September 2007, Hansen was transferred to Dollar Tree  
21 store 2262 in Healdsburg, California. Hansen's employment with Dollar Tree ended on  
22 or about November 16, 2007. As a Store Manager, Hansen was eligible to receive  
23 bonuses tied to the sales performance of his store. During the fifteen months that  
24 Hansen was a Store Manager for Dollar Tree, he received \$12,019.62 in bonuses.  
25

26 5. I have reviewed Dollar Tree's personnel records pertaining to Robert  
27 Runnings. Mr. Runnings was hired by Dollar Tree as a Trainee in April of 2004,  
28

1 promoted to Assistant Manager in June, 2004. Effective October 31, 2004 he was  
2 promoted to the Store Manager position at store no. 2939 in Willitz, California. Runnings  
3 continues to be the Store Manager of store 2939. Since becoming the Store Manager,  
4 Runnings has received \$16,837.58 in bonuses.  
5

6 6. Each DTS store employee has a unique cashier identification number  
7 which he or she uses to log on to the cash register. Once an employee has logged on,  
8 the system records, among other things, how long the cashier remained on the register  
9 and the number and type of transactions made by that cashier. That is, it differentiates  
10 between a sale and a void. It is Dollar Tree policy that each employee must log off when  
11 not working on the cash register and that employees may not use each other's cashier  
12 identification numbers.  
13

14 7. In connection with these consolidated cases, I asked Dollar Tree's  
15 Information Systems Department to write a program that would retrieve and compile, on  
16 a storewide basis, the information generated from the cashier log-ins, which Dollar Tree  
17 maintains in the ordinary course of business, by cashier number, the total number of  
18 daily minutes spent and daily transactions processed by each employee who spent time  
19 working at the cash register. After the program was written, I used it to run reports with  
20 that information ("cashier reports") for store numbers 1868 and 2262 during the times  
21 that John Hansen and Miguel Cruz were store managers of those stores and for store  
22 number 2939 from May, 2005 through January 7, 2008, during which time Robert  
23 Runnings has been the store manager of that store. I provided those reports along with  
24 the cashier log-in numbers of Messrs. Hansen, Cruz and Runnings to Dollar Tree's  
25 counsel in these proceedings. It is my understanding those records have been  
26  
27  
28

1 produced using bates numbers DTC05350-DTC05358 for Mr. Hansen and R1544-  
2 R1557 for Mr. Runnings.

3 8. Dollar Tree uses Compass, an electronic time-keeping system. Dollar  
4 Tree's store managers use Compass to prepare the weekly work schedules for their  
5 stores. Store managers include the hours for which they have scheduled themselves on  
6 this weekly schedule. In conjunction with my job, I have access to Compass and can  
7 use it to view and retrieve store employee work schedules company-wide.  
8

9 9. In connection with these consolidated cases, I obtained employee work  
10 schedules for stores 1868, 2262 and 2939 from our Compass time-keeping system and  
11 provided them to Dollar Tree's counsel in these proceedings. It is my understanding  
12 those records have been produced using bates numbers R00014-430, R01265-1282 for  
13 store 2939 and DTC00078-297 for store 1868.  
14


15 10. I also ran ordering reports which showed the amount of merchandise  
16 Messrs. Hansen, Cruz and Runnings ordered for their stores. The reports included,  
17 among other things, the weekly quantity and value of items they ordered to sell in their  
18 stores and the quantity and value items they ordered as supplies for their stores. I  
19 provided those reports to counsel for Dollar Tree.  
20

21 11. Dollar Tree also maintains Wage and Hour reports which identify all the  
22 employees in a given store by week, the hours they worked and the pay they received. I  
23 ran these reports for stores 2939, 2262 and 1868 during the time periods that Messrs.  
24 Runnings, Cruz and Hansen managed those stores. I provided those reports to counsel  
25 for Dollar Tree and understand they are or will be produced under bates numbers R  
26 1558 through R 1646 for store 2939; DTC05361 through DTC05368 for store 2262 and  
27 DTC05369 through DTC05401 for store 1868.  
28

1 12. Dollar Tree also maintains payroll information for all its employees. They  
2 are available in a report referred to as PR260 which, among other things, identifies the  
3 week, gross and net pay and type of pay i.e., regular, bonus, sick leave, etc. I ran these  
4 reports as to Messrs. Hansen, Runnings, and Cruz in conjunction with these  
5 consolidated cases and provided same to counsel for Dollar Tree.  
6

7 I declare under penalty of perjury under the laws of the Commonwealth of Virginia  
8 that the foregoing is true and correct.

9 Executed in Chesapeake, Virginia this 18th day of January, 2008.

10   
11 Paula Brady

12  
13  
14  
15  
16 1242964v1  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28